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September 17, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED  
SEP 17 1992  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

On behalf of Michael R. Walton, we are filing here-  
with his Petition for Rulemaking requesting the allotment of  
Channel 294C3 to Allouez, Wisconsin.

Please address any questions concerning this petition  
to this office.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

By: Malcolm G. Stevenson  
Malcolm G. Stevenson

MGS/abk

Attachment

cc: Kathleen Scheuerle, FCC, #8314

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

RECEIVED

SEP 17 1992

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) RM-  
Table of Allotments, )  
FM Broadcast Stations )  
(Allouez, Wisconsin) )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: The Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULE MAKING**

Michael R. Walton (Walton), through his attorneys and pursuant Section 1.420 of the rules, hereby respectfully petitions for rule making to amend Section 73.202(b), Table of Allotments, to allot Channel 294C to Allouez, Wisconsin. In support thereof, the following is shown:

1. The allocation of Channel 294C3 at Allouez can be made in accordance with the Commission's minimum distance separation and principal community coverage requirements with a site restriction of 20 kilometers to the east of Allouez. Attached hereto is an Engineering Report by Mr. Walton's consulting engineer demonstrating compliance of the proposed allotment with all applicable Commission rules.<sup>1/</sup>

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<sup>1/</sup> In this regard, it should be noted that the Bureau has placed a hold on Channel 294C3 for possible use at Townsend, Wisconsin, as an alternate channel. This reservation is in response to a counterproposal by Independence Broadcasting Wisconsin Corp. (Independence) proposing allotment of Channel 278C3 at Townsend in MM Docket 90-139. Independence has filed a request for withdrawal of its expression of interest in allotment of a channel at Townsend. Accordingly, the Bureau's hold on Channel 294C3 is no longer necessary to accommodate an existing

(continued...)

2. Allouez is a licensable community of sufficient size and development to warrant its own radio station. According to the 1990 U.S. Census, the population of Allouez is 14,431 persons. It is an incorporated village and possesses a local governmental structure, including a Village Administrator, a Village Board Office, a Village Clerk, a Village Engineer, a Street Department, a Parks Recreation & Forestry Department, a Fire Department, a Water Department and a Senior Citizens Activity Center. Moreover, Allouez is listed in the Census as a Census Designated Place. In addition, Allouez has social, economic, civic, religious and/or cultural indicia which further qualify it as a community for allotment purposes. These indicia include public and private elementary schools, churches, a nursery school, a cemetery and mausoleum, and a variety of business establishments. Yet Allouez currently lacks any aural transmission service. The foregoing circumstances amply demonstrate that the public interest would be well served by the allotment of a first local aural service to the community of Allouez, Wisconsin.

3. Walton has been associated with radio broadcasting as an owner and operator for many years. In the event that Channel 294C3 is allotted to Allouez, Walton will promptly file an application for a construction permit and, if its

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1/(...continued)

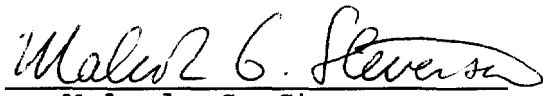
expression of interest, and the instant petition for rule making should be adopted forthwith.

application is granted, will promptly construct the station.

WHEREFORE, for the foregoing reasons, Walton respectfully requests that the Commission adopt this petition to allot Channel 294C3 at Allouez, Wisconsin.

Respectfully submitted,

MICHAEL R. WALTON

By:   
Malcolm G. Stevenson

SCHWARTZ, WOODS & MILLER  
Suite 300, The Dupont Circle Building  
1350 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
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Its Attorneys

September 17, 1992

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ENGINEERING REPORT

Harry R. Seabrooke

RR #5 Box 456-A

COMMUNICATIONS CONSULTANT

Hedgesville, WV 25427-9224

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Sheboygan County Broadcasting Co., Inc.  
Allouez, Wisconsin

This exhibit has been prepared on behalf of Sheboygan County Broadcasting Co., Inc. in support of its petition for rulemaking to allot FM Channel 294C3 to Allouez, Wisconsin. The proposed allotment will be a first local service to Allouez. On the allotment of Channel 294C3 to Allouez, Sheboygan County will file an application for a construction permit for this facility and on the grant of the construction permit will promptly construct the station.

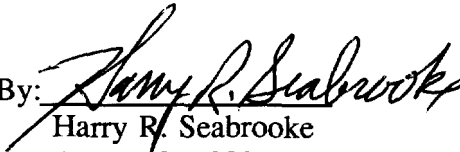
Channel 294C3 may be allotted to Allouez and meet all FCC spacing and coverage criteria from a transmitter site located at geographic coordinates:

North Latitude: 44°25'39"  
West Longitude: 87°48'05"

This geographic location is approximately 20 kilometers to the east of the center of Allouez. A Class C3 station with facilities of 25 kW ERP at 100 meters AAT located at this site will place a signal of greater than 3.16 mV/m over the entire community of Allouez.

Allouez is an incorporated village, with a 1990 U. S. Census population of 14,431 persons, located near the center of Brown County, Wisconsin. There is presently no aural broadcast service authorized to Allouez.

Table 1 is a separation study listing all existing stations, pending applications, and open allotments with clearances to the specified reference site of less than 50 kilometers, demonstrating that the proposed reference point complies with all the spacing requirements of the FCC Rules and pertinent international agreements.

By:   
Harry R. Seabrooke  
August 3, 1992

# ENGINEERING REPORT

Harry R. Seabrooke

RR #5 Box 456-A

COMMUNICATIONS CONSULTANT

Hedgesville, WV 25427-9224

Sheboygan County Broadcasting Co., Inc.  
Allouez, Wisconsin

TABLE 1

## Constraints Study FM Channel 294C3

Reference Site: Latitude: 44°25'39"  
Longitude: 87°48'05"

Call City of License	Auth License	Licensee Name St FCC File No.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Az-to -from	Dist (km)	Req (km)
WJLW De Pere	LIC	American Communicatio WI BLH-890525KB	240A 95.9	3.00 99	44-29-03 87-56-12	300.5 120.4	12.47 0.47	12 CLEAR
*To Channel 240C3 per D89-282								
WJLW De Pere	CP	American Communicatio WI BPH-910703IG	240C3 95.9	25.0 83	44-23-19 88-01-57	256.8 76.7	18.91 4.91	14 CLEAR
From channel 240A per D89-282								
NEW Stephenson	APP	Pacer Radio of the Ne MI BPH-910719MB	292C2 106.3	50.0 150	45-16-45 87-40-26	6.0 186.1	95.18 39.18	56 CLEAR
WLJY Marshfield	LIC	Goetz Broadcasting Co WI BLH-800212AD	293C1 106.5	100. 244	44-38-41 89-51-11	279.2 97.7	164.85 20.85	144 CLEAR
WKPK Gaylord	LIC	Alpine Broadcasting C MI BLH-781221AB	294C1 106.7	100. 177	45-02-42 84-50-44	72.6 254.7	243.98 32.98	211 CLEAR
WYLL Des Plaines	LIC	Flint Metro Mass Medi IL BLH-7489	294B 106.7	50. 91	42-08-10 87-58-55	183.3 3.2	254.99 43.99	211 CLEAR
WMUSFM Muskegon	LIC	Greater Muskegon Broa MI BLH-830607AD	295B 106.9	50. 146	43-13-47 86-05-05	133.4 314.6	191.78 46.78	145 CLEAR
WCOFM Oconto	LIC	Lamardo, Inc. WI BLH-4131	296A 107.1	3.00 64	44-53-31 87-57-18	346.8 166.7	53.03 11.03	42 CLEAR
Class B1 with respect to Canada								
WFON Fond Du Lac	LIC	Independence B/Cstng WI BLH-3824	296A 107.1	3.00 91	43-50-22 88-22-06	214.9 34.5	79.55 37.55	42 CLEAR

End of Constraints Study FM Channel 294C3